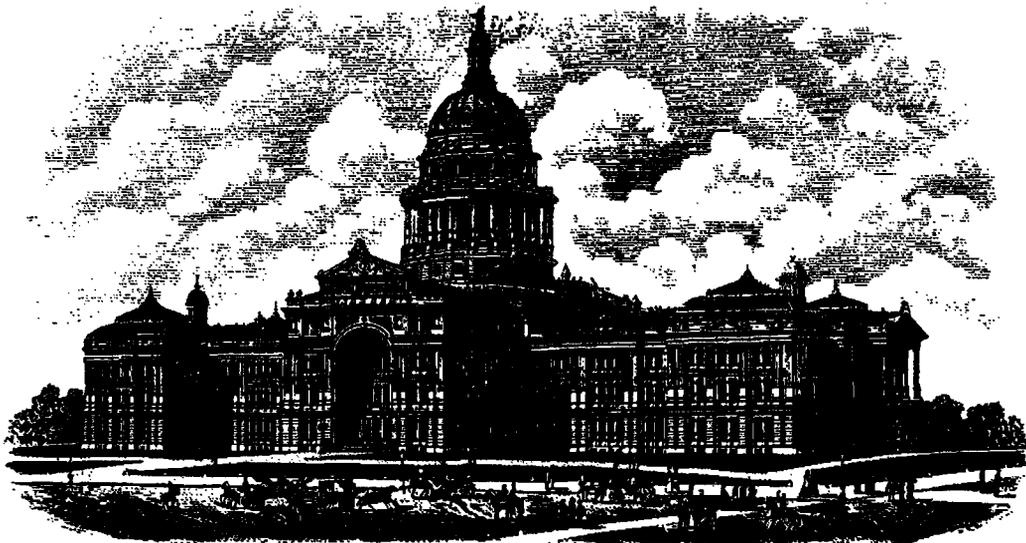


SENATE COMMITTEE ON CRIMINAL JUSTICE

**Interim Report
77th Legislature**



TEXAS STATE CAPITOL BUILDING

J.E. Vreese, Architect

Charge Eleven

**Senator Ken Armbrister, Chair
September 2000**

**Should you have any questions regarding the content of this report,
please contact the Committee staff at:**

**Senate Criminal Justice Committee
P.O. Box 12068
Austin, Texas 78711
(512) 463-0345**

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SENATOR KEN ARMBRISTER
Chairman
 SENATOR ROBERT DUNCAN
Vice Chair
 SENATOR JANE NELSON

Brian K. Jammer, *General Counsel*

The Texas Senate
 Committee on Criminal Justice

SENATOR MIKE JACKSON
 SENATOR JOHN WHITMIRE
 SENATOR ROYCE WEST
 SENATOR FLORENCE SHAPIRO

Kelly Gilbert, *Committee Clerk*

October 1, 2000

The Honorable Rick Perry
 Lieutenant Governor of the State of Texas
 Post Office Box 12068
 Austin, Texas 78711

Dear Governor Perry:

The Senate Committee on Criminal Justice is pleased to submit its interim report for Interim Charge Eleven, monitoring the implementation of Senate Bill 8, Senate Bill 352, Senate Bill 365, Senate Bill 370, Senate Bill 371, and House Bill 2617. In compliance with your request, a copy of this report will be circulated to all Senators and other interested parties.

Respectfully submitted,

Senator Ken Armbrister Chairman

Senator Robert Duncan
 Vice Chairman

Senator Mike Jackson

Senator Jane Nelson

Senator Florence Shapiro

Senator Royce West

Senator John Whitmire

ACKNOWLEDGMENTS

The Senate Committee on Criminal Justice Committee wishes to acknowledge and thank the following:

Colonel Thomas A. Davis, *Executive Director, Department of Public Safety*

The Honorable Allen Hightower, *Executive Director, Texas Department of Criminal Justice, Managed Health Care*

Wayne Scott, *Executive Director, Texas Department of Criminal Justice*

Melinda Bozarth, *Assistant Director, Texas Department of Criminal Justice, Programs and Services*

Kelly Page, *Executive Director, Texas Department of Health Council on Sex Offender Treatment*

Dee Kifowitz, *Executive Director, Texas Council on Offenders with Mental Impairments*

Gerald Garrett, *Chairman, Texas Board of Pardons and Paroles*

Jerry McGlasson, *Executive Director, Texas Commission of Private Security*

The Senate Committee on Criminal Justice has been charged with the monitoring the implementation on the following bills enacted during the 76th Legislature, Regular Session:

Senate Bill 8 relating to the compilation of criminal information pertaining to criminal street gangs and criminal combinations;

Senate Bill 352 relating to requirements for membership on or employment by the Board of Pardons and Paroles;

Senate Bill 365 relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, the administration of the Texas Council on Offenders with Mental Impairments, and the civil commitment of sexually violent predators;

Senate Bill 370 relating to the continuation and functions of the Correctional Managed Health Care Advisory Committee;

Senate Bill 371 relating to the continuation and functions of the Correctional Managed Health Care Advisory Committee; and

House Bill 2617 relating to the continuation of the Texas Board of Private Investigators and Private Security Agencies as the Texas Commission on Private Security, to the functions performed by that agency, and to certain powers of political subdivisions relating to alarm systems.

SENATE BILL 8

In 1995, the 74th Legislature passed House Bill 466 which added Chapter 61 to the Code of Criminal Procedure. House Bill 466 related to the compilation and use of information pertaining to criminal combinations and authorized criminal justice agencies to compile information into a system on criminal combinations including facts, material, photographs, or other data reasonably related to the investigation or prosecution of criminal activity. House Bill 466 also prohibited local criminal justice agencies from sending the information to a statewide database. In 1997, the 75th Legislature passed House Bill 2874 which further amended Chapter 61, Code of Criminal Procedure, by authorizing criminal justice agencies to send information collected under Chapter 61 to regional databases. However, House Bill 2874 also included a destruction requirement of all criminal combination information effective September 1, 1999.

Following the 75th Legislative Session, the Senate Interim Committee on Gangs and Juvenile Justice was appointed and charged with studying the increasing gang problem in Texas, including consideration of criminal information systems. Pursuant to the committee's final recommendations to the 76th Legislature, Senate Bill 8 was filed and finally passed in 1999.

While previous legislation opened the door to collection of information pertaining to criminal combinations, Senate Bill 8 represented a comprehensive approach to collecting, maintaining and using criminal intelligence information for the purpose of investigating and prosecuting criminal offenses committed by criminal street gangs and criminal combinations on a statewide basis

Enrolled
ENROLLED
76th - '99

S.B. No. 8

AN ACT

1 relating to the compilation of criminal information pertaining to
2 criminal street gangs and criminal combinations.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. The heading of Chapter 61, Code of Criminal
5 Procedure, is amended to read as follows:

6 CHAPTER 61. COMPILATION OF INFORMATION PERTAINING TO [A] CRIMINAL
7 COMBINATIONS AND CRIMINAL STREET GANGS [~~COMBINATION~~]

8 SECTION 2. Article 61.01, Code of Criminal Procedure, is
9 amended by amending Subdivision (1) and adding Subdivisions (7),
10 (8), and (9) to read as follows:

11 (1) "Combination" and "criminal street gang" have
12 [has] the meanings [meaning] assigned by Section 71.01, Penal Code.

13 (7) "Department" means the Department of Public Safety
14 of the State of Texas.

15 (8) "Intelligence database" means a collection or
16 compilation of data organized for search and retrieval to evaluate,
17 analyze, disseminate, or use intelligence information relating to a
18 criminal combination or a criminal street gang for the purpose of
19 investigating or prosecuting criminal offenses.

20 (9) "Law enforcement agency" does not include the
21 Texas Department of Criminal Justice or the Texas Youth Commission.

22 SECTION 3. Article 61.02, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 61.02. CRIMINAL COMBINATION AND CRIMINAL STREET GANG

INTELLIGENCE DATABASE; SUBMISSION CRITERIA [~~INFORMATION--SYSTEM~~].

(a) Subject to Subsection (b), a [A] criminal justice agency may compile criminal information into an intelligence database [a system] for the purpose of investigating or prosecuting the criminal activities of criminal combinations or criminal street gangs. The information may be compiled on paper, by computer, or in any other useful manner.

(b) A law enforcement agency may compile and maintain criminal information relating to a criminal street gang as provided by Subsection (a) in a local or regional intelligence database only if the agency compiles and maintains the information in accordance with the criminal intelligence systems operating policies established under 28 C.F.R. Section 23.1 et seq. and the submission criteria established under Subsection (c).

(c) Criminal information collected under this chapter relating to a criminal street gang must:

(1) be relevant to the identification of an organization that is reasonably suspected of involvement in criminal activity; and

(2) consist of any two of the following:

(A) a self-admission by the individual of criminal street gang membership;

(B) an identification of the individual as a criminal street gang member by a reliable informant or other individual;

(C) a corroborated identification of the

1 individual as a criminal street gang member by an informant or
2 other individual of unknown reliability;

3 (D) evidence that the individual frequents a
4 documented area of a criminal street gang, associates with known
5 criminal street gang members, and uses criminal street gang dress,
6 hand signals, tattoos, or symbols; or

7 (E) evidence that the individual has been
8 arrested or taken into custody with known criminal street gang
9 members for an offense or conduct consistent with criminal street
10 gang activity.

11 SECTION 4. Article 61.03, Code of Criminal Procedure, is
12 amended by amending Subsections (c) and (d) and adding Subsection
13 (e) to read as follows:

14 (c) If a [A] local law enforcement [criminal-justice] agency
15 compiles and maintains information under this chapter relating to a
16 criminal street gang, the agency shall [may--not] send the
17 information [collected--under--this--chapter] to the department [a
18 statewide-database].

19 (d) The department shall establish an intelligence database
20 and shall maintain information received from an agency under
21 Subsection (c) in the database in accordance with the policies
22 established under 28 C.F.R. Section 23.1 et seq. and the submission
23 criteria under Article 61.02(c) [A-local-criminal-justice-agency
24 may-send-information-collected-under-this--chapter--to--a--regional
25 database].

26 (e) The department shall designate a code to distinguish

criminal information contained in the intelligence database relating to a child from criminal information contained in the database relating to an adult offender.

SECTION 5. Article 61.04, Code of Criminal Procedure, is amended by amending Subsection (a) and by adding Subsection (d) to read as follows:

(a) Notwithstanding Chapter 58, Family Code, criminal information relating to a child associated with a combination or a criminal street gang may be compiled and released under this chapter regardless of the age of the child.

(d) If a local law enforcement agency collects criminal information under this chapter relating to a criminal street gang, the governing body of the county or municipality served by the law enforcement agency may adopt a policy to notify the parent or guardian of a child of the agency's observations relating to the child's association with a criminal street gang.

SECTION 6. Article 61.06, Code of Criminal Procedure, is amended to read as follows:

Art. 61.06. REMOVAL [DESTRUCTION] OF RECORDS RELATING TO AN INDIVIDUAL OTHER THAN A CHILD. (a) This article does not apply to information collected under this chapter by the Texas Department of Criminal Justice or the Texas Youth Commission.

(b) Subject to [Except-as-provided-by] Subsection (c) [(b)], information collected under this chapter relating to a criminal street gang must be removed from an intelligence database established under Article 61.02 and the intelligence database

1 maintained by the department under Article 61.03 [destroyed] after
2 three [two] years if:

3 (1) the information relates to the investigation or
4 prosecution of criminal activity engaged in by an individual other
5 than a child; and

6 (2) the individual who is the subject of the
7 information has not been arrested for [charged-with] criminal
8 activity reported to the department under Chapter 60.

9 (c) In determining whether information is required to be
10 removed from an intelligence database under Subsection (b), the
11 three-year period does not include any period during which the
12 individual who is the subject of the information is confined in the
13 institutional division or the state jail division of the Texas
14 Department of Criminal Justice ~~[(b)--The--information--destruction~~
15 ~~requirements--of--Subsection--(a)--are--suspended--until--September--17~~
16 ~~1999].~~

17 SECTION 7. Chapter 61, Code of Criminal Procedure, is
18 amended by adding Articles 61.07, 61.08, and 61.09 to read as
19 follows:

20 Art. 61.07. REMOVAL OF RECORDS RELATING TO A CHILD.

21 (a) This article does not apply to information collected under
22 this chapter by the Texas Department of Criminal Justice or the
23 Texas Youth Commission.

24 (b) Subject to Subsection (c), information collected under
25 this chapter relating to a criminal street gang must be removed
26 from an intelligence database established under Article 61.02 and

1 the intelligence database maintained by the department under
2 Article 61.03 after two years if:

3 (1) the information relates to the investigation or
4 prosecution of criminal activity engaged in by a child; and

5 (2) the child who is the subject of the information
6 has not been:

7 (A) arrested for criminal activity reported to
8 the department under Chapter 60; or

9 (B) taken into custody for delinquent conduct
0 reported to the department under Chapter 58, Family Code.

1 (c) In determining whether information is required to be
2 removed from an intelligence database under Subsection (b), the
3 two-year period does not include any period during which the child
4 who is the subject of the information is:

5 (1) committed to the Texas Youth Commission for
6 conduct that violates a penal law of the grade of felony; or

7 (2) confined in the institutional division or the
8 state jail division of the Texas Department of Criminal Justice.

9 Art. 61.08. RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION.

0 (a) On receipt of a written request of a person or the parent or
1 guardian of a child that includes a showing by the person or the
2 parent or guardian that a law enforcement agency may have collected
3 criminal information under this chapter relating to the person or
4 child that is inaccurate or that does not comply with the
5 submission criteria under Article 61.02(c), the head of the agency
6 or the designee of the agency head shall review criminal

1 information collected by the agency under this chapter relating to
2 the person or child to determine if:

3 (1) reasonable suspicion exists to believe that the
4 information is accurate; and

5 (2) the information complies with the submission
6 criteria established under Article 61.02(c).

7 (b) If, after conducting a review of criminal information
8 under Subsection (a), the agency head or designee determines that:

9 (1) reasonable suspicion does not exist to believe
10 that the information is accurate or the information does not comply
11 with the submission criteria, the agency shall:

12 (A) destroy all records containing the
13 information; and

14 (B) notify the department and the person who
15 requested the review of the agency's determination and the
16 destruction of the records; or

17 (2) reasonable suspicion does exist to believe that
18 the information is accurate and the information complies with the
19 submission criteria, the agency shall notify the person who
20 requested the review of the agency's determination and that the
21 person is entitled to seek judicial review of the agency's
22 determination under Article 61.09.

23 (c) On receipt of notice under Subsection (b), the
24 department shall immediately destroy all records containing the
25 information that is the subject of the notice in the intelligence
26 database maintained by the department under Article 61.03.

(d) A person who is committed to the Texas Youth Commission or confined in the institutional division or the state jail division of the Texas Department of Criminal Justice does not while committed or confined have the right to request review of criminal information under this article.

Art. 61.09. JUDICIAL REVIEW. (a) A person who is entitled to seek judicial review of a determination made under Article 61.08(b)(2) may file a petition for review in district court in the county in which the person resides.

(b) On the filing of a petition for review under Subsection (a), the district court shall conduct an in camera review of the criminal information that is the subject of the determination to determine if:

(1) reasonable suspicion exists to believe that the information is accurate; and

(2) the information complies with the submission criteria under Article 61.02(c).

(c) If, after conducting an in camera review of criminal information under Subsection (b), the court finds that reasonable suspicion does not exist to believe that the information is accurate or that the information does not comply with the submission criteria, the court shall:

(1) order the law enforcement agency that collected the information to destroy all records containing the information; and

(2) notify the department of the court's determination

1 and the destruction of the records.

2 (d) A petitioner may appeal a final judgment of a district
3 court conducting an in camera review under this article.

4 (e) Information that is the subject of an in camera review
5 under this article is confidential and may not be disclosed.

6 SECTION 8. The change in law made by this Act applies to
7 criminal information collected under Chapter 61, Code of Criminal
8 Procedure, as amended by this Act, before, on, or after the
9 effective date of this Act.

10 SECTION 9. (a) A law enforcement agency is not required to
11 send information to the intelligence database as required by
12 Subsection (c), Article 61.03, Code of Criminal Procedure, as
13 amended by this Act, until September 1, 2000.

14 (b) The Department of Public Safety of the State of Texas is
15 not required to establish an intelligence database as required by
16 Article 61.03, Code of Criminal Procedure, as amended by this Act,
17 until September 1, 2000.

18 (c) Not later than September 1, 2000, each law enforcement
19 agency that compiled and maintained criminal information under
20 Chapter 61, Code of Criminal Procedure, shall:

21 (1) review the information contained in the agency's
22 database that was compiled or maintained on or before September 1,
23 1999, to determine if the agency compiled the information and is
24 maintaining the information in accordance with the criminal
25 intelligence systems operating policies established under 28 C.F.R.
26 Section 23.1 et seq. and the submission criteria established under

1 Subsection (c), Article 61.02, Code of Criminal Procedure, as added
2 by this Act; and

3 (2) except as provided by Subsection (d) of this
4 section, remove all records containing any criminal information
5 kept in the agency's database that was not collected or is not
6 being maintained in accordance with the criminal intelligence
7 systems operating policies established under 28 C.F.R. Section
8 23.1 et seq. and the submission criteria under Subsection (c),
9 Article 61.02, Code of Criminal Procedure, as added by this Act.

0 (d) A law enforcement agency is not required under
1 Subdivision (2) of Subsection (c) of this section to remove from
2 the agency's database any criminal information that consists solely
3 of a self-admission by an individual of criminal street gang
4 membership.

5 SECTION 10. Not later than December 1, 2000, the Department
6 of Public Safety of the State of Texas shall report to the
7 legislature on the implementation of the intelligence database
8 maintained by the department under Article 61.03, Code of Criminal
9 Procedure, as amended by this Act.

10 SECTION 11. This Act takes effect September 1, 1999.

11 SECTION 12. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 8 passed the Senate on April 27, 1999, by the following vote: Yeas 30, Nays 0; May 21, 1999, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 24, 1999, House granted request of the Senate; May 30, 1999, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 8 passed the House, with amendments, on May 19, 1999, by the following vote: Yeas 104, Nays 40, one present not voting; May 24, 1999, House granted request of the Senate for appointment of Conference Committee; May 30, 1999, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 29, 1999

TO: Honorable Rick Perry, Lieutenant Governor
Honorable James E. "Pete" Laney, Speaker of the House

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB8 by West, Royce (Relating to the compilation of criminal information pertaining to criminal street gangs and criminal combinations.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB8, Conference Committee Report: negative impact of \$(784,626) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(613,264)
2001	(171,362)
2002	(180,443)
2003	(182,524)
2004	(186,554)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Change in Number of State Employees from FY 1999
2000	\$ (613,264)	3.0
2001	(171,362)	3.0
2002	(180,443)	3.0
2003	(182,524)	3.0
2004	(186,554)	3.0

Technology Impact

All State costs of the bill would be attributable to technology impact.

Fiscal Analysis

The bill would allow criminal justice agencies to compile information and create intelligence databases on criminal street gangs. The bill would require local agencies compiling the information to submit it to the Department of Public Safety. The Department would maintain the information in a database that complies with policies established in the bill.

The bill would give a person, parent or guardian the right to an agency review of the accuracy of the criminal street gang information compiled by a law enforcement authority.

Methodology

The bill would require the development or acquisition of hardware and software to support the statewide criminal street gang database. Contract programming for the project is estimated at \$427,500. A Programmer Analyst III, a Data Base Administrator IV, and a Records Technician III would be required to provide on-going support for the system.

Local Government Impact

The impact of the bill on local government would depend on the county or municipality's decision to maintain a database on criminal street gangs. Two counties contacted (Harris and Bexar) indicated the bill would have no significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice
LBB Staff: JK, MD, VS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 20, 1999

TO: Honorable Rick Perry, Lieutenant Governor, Senate

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB8 by West, Royce (Relating to the compilation of information pertaining to criminal combinations and criminal street gangs and to the establishment of a statewide database of criminal street gang information.), As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for SB8, As Passed 2nd House: negative impact of \$(784,626) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(613,264)
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2003	(182,524)
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2002	(180,443)	3.0
2003	(182,524)	3.0
2004	(186,554)	3.0

Technology Impact

All State costs of the bill would be attributable to technology impact.

Fiscal Analysis

The bill would allow criminal justice agencies to compile information and create intelligence databases on criminal street gangs. The bill would require local agencies compiling the information to submit it to the Department of Public Safety if the information was in compliance with the submission criteria of the bill. The Department would maintain the information in a database that complies with policies established in the bill.

The bill would give a child, parent or guardian the right to an agency review of the accuracy of the criminal street gang information compiled by a law enforcement authority.

Methodology

The bill would require the development or acquisition of hardware and software to support the statewide criminal street gang database. Contract programming for the project is estimated at \$427,500. A Programmer Analyst III, a Data Base Administrator IV, and a Records Technician III would be required to provide on-going support for the system.

Local Government Impact

The impact of the bill on local government would depend on the county or municipality's decision to maintain a database on criminal street gangs. Two counties contacted (Harris and Bexar) indicated the bill would have no significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice
LBB Staff: JK, MD, VS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 5, 1999

TO: Honorable Toby Goodman, Chair, House Committee on Juvenile Justice & Family Issues

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB8 by West, Royce (Relating to the compilation of information pertaining to criminal combinations and criminal street gangs and to the establishment of a statewide database of criminal street gang information.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB8, Committee Report 2nd House, Substituted: negative impact of \$(784,626) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(613,264)
2001	(171,362)
2002	(180,443)
2003	(182,524)
2004	(186,554)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Change in Number of State Employees from FY 1999
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2004	(186,554)	3.0

Technology Impact

All State costs of the bill would be attributable to technology impact.

Fiscal Analysis

The bill would allow criminal justice agencies to compile information and create intelligence databases on criminal street gangs. The bill would require local agencies compiling the information to submit it to the Department of Public Safety if the information was in compliance with the submission criteria of the bill. The Department would maintain the information in a database that complies with policies established in the bill.

The bill would give a child, parent or guardian the right to an agency review of the

accuracy of the criminal street gang information compiled by a law enforcement authority.

Methodology

The bill would require the development or acquisition of hardware and software to support the statewide criminal street gang database. Contract programming for the project is estimated at \$427,500. A Programmer Analyst III, a Data Base Administrator IV, and a Records Technician III would be required to provide on-going support for the system.

Local Government Impact

The impact of the bill on local government would depend on the county or municipality's decision to maintain a database on criminal street gangs. Two counties contacted (Harris and Bexar) indicated the bill would have no significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice
LBB Staff: JK, MD, VS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 2, 1999

TO: Honorable Toby Goodman, Chair, House Committee on Juvenile Justice & Family Issues

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB8 by West, Royce (Relating to the compilation of criminal information pertaining to criminal street gangs and criminal combinations.), As Engrossed

Estimated Two-year Net Impact to General Revenue Related Funds for SB8, As Engrossed: negative impact of \$(784,626) through the biennium ending August 31, 2001.
The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$ (613,264)
2001	(171,362)
2002	(180,443)
2003	(182,524)
2004	(186,554)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ (613,264)	3.0
2001	(171,362)	3.0
2002	(180,443)	3.0
2003	(182,524)	3.0
2004	(186,554)	3.0

Technology Impact

All State costs of the bill would be attributable to technology impact.

Fiscal Analysis

The bill would allow criminal justice agencies to compile information and create intelligence databases on criminal street gangs. A database would be required to be in compliance with operating policies established in 28 C.F.R., Section 23.1 et. seq., and the submission criteria for gangs as established by the Federal Bureau of Investigation (FBI) for the National Crime Information Center Violent Gang and Terrorist Organizations File. Information compiled by local agencies may be submitted to the Department of Public Safety if the governing body authorizes the transfer. The Department would maintain the information in a database that complies with policies established in 28 C.F.R. and the submission criteria established by the FBI.

The governing body of the law enforcement authority collecting the criminal street gang information may adopt a policy to notify the parent or guardian of a child relating to the child's association with a criminal street gang. The bill would give a child, parent or guardian the right to agency review of the accuracy of the information. A person is entitled to seek judicial review of the agency's determination.

Methodology

The bill would require the development or acquisition of hardware and software to support the statewide criminal street gang database. Contract programming for the project is estimated at \$427,500. A Programmer Analyst III, a Data Base Administrator IV, and a Records Technician III would be required to provide on-going support for the system.

Local Government Impact

The impact of the bill on local government would depend on the county or municipality's decision to maintain a database on criminal street gangs. Costs would also be affected by information currently collected and its compliance with 28 C.F.R. and the submission criteria established by the FBI. Two counties contacted (Harris and Bexar) indicated the bill would have no significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice
LBB Staff: JK, MD, VS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 9, 1999

TO: Honorable Ken Armbrister, Chair, Senate Committee on Criminal Justice

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB8 by West, Royce (Relating to the compilation of criminal information pertaining to criminal street gangs and criminal combinations.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB8, Committee Report 1st House, Substituted: negative impact of \$(784,626) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(613,264)
2001	(171,362)
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All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
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2002	(180,443)	3.0
2003	(182,524)	3.0
2004	(186,554)	3.0

Technology Impact

All State costs of the bill would be attributable to technology impact.

Fiscal Analysis

The bill would allow criminal justice agencies to compile information and create intelligence databases on criminal street gangs. A database would be required to be in compliance with operating policies established in 28 C.F.R., Section 23.1 et. seq., and the submission criteria for gangs as established by the Federal Bureau of Investigation (FBI) for the National Crime Information Center Violent Gang and Terrorist Organizations File. Information compiled by local agencies may be submitted to the Department of Public Safety if the governing body authorizes the transfer. The Department would maintain the information in a database that complies with policies established in 28 C.F.R. and the submission criteria established by the FBI.

The governing body of the law enforcement authority collecting the criminal street gang information may adopt a policy to notify the parent or guardian of a child relating to the child's association with a criminal street gang. The bill would give a child, parent or guardian the right to agency review of the accuracy of the information. A person is entitled to seek judicial review of the agency's determination.

Methodology

The bill would require the development or acquisition of hardware and software to support the statewide criminal street gang database. Contract programming for the project is estimated at \$427,500. A Programmer Analyst III, a Data Base Administrator IV, and a Records Technician III would be required to provide on-going support for the system.

Local Government Impact

The impact of the bill on local government would depend on the county or municipality's decision to maintain a database on criminal street gangs. Costs would also be affected by information currently collected and its compliance with 28 C.F.R. and the submission criteria established by the FBI. Two counties contacted (Harris and Bexar) indicated the bill would have no significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice
LBB Staff: JK, MD, VS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 7, 1999

TO: Honorable Ken Armbrister, Chair, Senate Committee on Criminal Justice

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB8 by West, Royce (Relating to the compilation of criminal intelligence information pertaining to criminal street gangs.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for SB8, As Introduced: negative impact of \$(784,626) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(613,264)
2001	(171,362)
2002	(180,443)
2003	(182,524)
2004	(186,554)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Change in Number of State Employees from FY 1999
2000	\$(613,264)	3.0
2001	(171,362)	3.0
2002	(180,443)	3.0
2003	(182,524)	3.0
2004	(186,554)	3.0

Technology Impact

All State costs of the bill would be attributable to technology impact.

Fiscal Analysis

The bill would allow criminal justice agencies to compile information and create intelligence databases on criminal street gangs. A database would be required to be in compliance with operating policies established in 28 C.F.R., Section 23.1 et. seq., and the submission criteria for gangs as established by the Federal Bureau of Investigation (FBI) for the National Crime Information Center Violent Gang and Terrorist Organizations File. Information compiled by local agencies may be submitted to the Department of Public Safety if the governing body authorizes the transfer. The Department would maintain the information in a database that complies with policies established in 28 C.F.R. and the submission criteria established by the FBI.

The governing body of the law enforcement authority collecting the criminal street gang

information may adopt a policy to notify the parent or guardian of a child relating to the child's association with a criminal street gang. The bill would give a child, parent or guardian the right to agency review of the accuracy of the information. A person is entitled to seek judicial review of the agency's determination.

Methodology

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Local Government Impact

The impact of the bill on local government would depend on the county or municipality's decision to maintain a database on criminal street gangs. Costs would also be affected by information currently collected and its compliance with 28 C.F.R. and the submission criteria established by the FBI. Two counties contacted (Harris and Bexar) indicated the bill would have no significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice
LBB Staff: JK, MD, VS

LEGISLATIVE BUDGET BOARD
Criminal Justice Policy Impact Statement

April 9, 1999

TO: Honorable Ken Armbrister, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: Senate Bill No. 8,
Committee Report 1st House,
Substituted
By: West, Royce

FROM: John Keel, Director

In response to your request for a Criminal Justice Policy Impact Statement on SB8 (Relating to the compilation of criminal information pertaining to criminal street gangs and criminal combinations.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD
Criminal Justice Policy Impact Statement

April 5, 1999

TO: Honorable Ken Armbrister, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: Senate Bill No. 8
By: West, Royce

FROM: John Keel, Director

In response to your request for a Criminal Justice Policy Impact Statement on SB8 (Relating to the compilation of criminal intelligence information pertaining to criminal street gangs.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

TEXAS DEPARTMENT OF PUBLIC SAFETY

IMPLEMENTATION PLAN FOR LEGISLATION PASSED BY THE 76TH LEGISLATURE

BILL NUMBER:	Senate Bill 8	BILL AUTHOR/SPONSOR:	Royce West
STATUTORY CITATION:	Article 61, Code of Criminal Procedure		
SUBJECT:	Creation of a statewide criminal street gang database known as TXGANG INDEX (hereafter, referred to as TXGANG).		
IMPLEMENTATION RESPONSIBILITY:	Thomas A. Davis, Jr., Director		
EFFECTIVE DATE:	September 1, 1999		
BILL SUMMARY:	This bill requires local law enforcement, which compile and maintain information relating to criminal street gangs, to submit that information to a statewide intelligence database. This database is to be established and maintained by the Department of Public Safety by September 1, 2000.		
STEPS	PERSON(S) RESPONSIBLE	TARGET DATE	DATE COMPLETED
Develop operating policies and procedures.	Roger Killingsworth	July 17, 2000	July 17, 2000
Add TXGANG addendum to the TLETS user agreement.	Roger Killingsworth	July 17, 2000	July 17, 2000
Computer Securities Request	Roger Killingsworth	July 17, 2000	July 17, 2000
Notify participating agencies and distribute instructions.	Lee Pagel	July 20, 2000	July 20, 2000
System testing	Lee Pagel	July 28, 2000	Pending
User testing	Lee Pagel	August 25, 2000	Pending
TXGANG implementation date	Lee Pagel	August 29, 2000	Pending